

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JEFF MARANO & NORBERTO BENITEZ;

Plaintiff,

v.

SOREN AABOE, et. al.;

Defendants.
-----x

05 Cv 9375 (BSJ)

Order

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE


After having reviewed Magistrate Judge Ellis' Report and Recommendation dated October 20, 2010, and having received no objections thereto, I hereby confirm and adopt the Report in its entirety, having been satisfied that there is no clear error on the face of the record. See King v. Greiner, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citation omitted); see also Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). Accordingly, Marano's motion to change his damages election is DENIED and he will not be awarded any damages. Benitez is awarded judgment against Defendants as follows: \$10,000 in compensatory damages for the violation of his right to publicity, \$10,000 in exemplary damages, and \$1,867.50 in costs resulting from the proceeding. Plaintiffs' request for attorneys' fees is DENIED.

The parties' failure to file written objections precludes appellate review of this decision. See Caidor v. Onondaga

County, 517 F.3d 601, 604 (2d Cir. 2008).

The Clerk of the Court is directed to close the case.

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
March 28, 2011